IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWELFTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE Ch.S.R.K. PRASAD

WRIT PETITION NO : 18697 of 2004

Between:

K.Laxmi, W/o.K.Ramulu,
R/o.4-52/487, Maqdoom Nagar,
Jagathgirigutta, Qubullapur, Secretariat, Hyderabad.

..... PETITIONER

AND

1. The Govt. of A.P., rep.by its Principal SecretarySecretariat, Hyderabad.
2. The Collector & Dist. Magistrate, Ranga Reddy District.
3. The Superintendent Central Prisons, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Habeas Corpus directing the respondents to produce the detenu Mr.K.Ramulu S/o.K.Sailu, R/o.4-52/487, Maqdoom Nagar, Jagathgirigutta, Qutbullapur, Ranga Reddy District, now detained in Central Prison, Hyderabad, before this Hon'ble Court may be released forthwith after declaring the order of detention dated 19-8-2004 made in No.C/5397/2004 made under order sub-section (2) of section 3 of A.P. Prevention of Dangerous Activities of Bootleggers, Dacoits, Drug-offenders, Goondas, Immoral Trafic offenders and Land Grabbers, Act 1986 (Act No.1 of 1986) passed by the Collector & District Magistrate, R.R.District, which was approved by the Government of Andhra Pradesh vide G.O.Rt.No.3100 of General Administration (Law & order - II) Department, dated 14-6-2004.

Counsel for the Petitioner :MR.K.BUCHI BABU
Counsel for the Respondents : THE ADVOCATE GENERAL

The Court made the following :

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ORDER: (Per GB,J).

The order of detention dated 19-8-2004 passed by the District Collector is assailed in this writ petition.

2. The order was passed by the District Collector and District Magistrate, Ranga Reddy District, by invoking the provisions contained under Sub-section (2) of Section 3 of A.P. Prevention of Dangerous Activities of Bootleggers, Dacoits, Drug Offenders, Goondas, Immoral Traffic Offenders and Land Grabbers, Act 1986 (Act No.1 of 1986). As many as 10 grounds were alleged in the order of detention, but however, we are not concerned with the validity of those grounds. The only ground raised by the learned Counsel for the petitioner is that the petitioner was not informed of his right of representation to the detaining authority as held by the Supreme Court in **STATE OF MAHARASTRA v SANTOSH SHANKAR ACHARYA** and **NUTAN J. PATEL (Ms) v S.V. PRASAD & ANOTHER** and on this ground alone the order of detention is liable to be set aside.

3. We have heard the learned Advocate General also on this aspect.

4. We find that the petitioner was not informed of his right to make a representation to the detaining authority apart from the Advisory Board of the Government.

5. Under those circumstances, following the principles laid down by the Supreme Court as referred to above, we have to allow the writ petition by quashing the order.

6. Accordingly, the order of detention is quashed on the sole ground and the detenu

shall be set at liberty forthwith if not required in any other case.

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(G. BIKSHAPATHY, J.)

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(Ch.S.R.K. PRASAD, J.)

Date: 12-10-2004

ES/KA

To

1. The Principal Secretary, Govt. of A.P. Secretariat, Hyderabad.
2. The Collector & Dist. Magistrate, Ranga Reddy District.
3. The Superintendent, Central Prisons, Hyderabad.

4. 2CCs to the Advocate General, High Court of A.P., Hyderabad(O.U.T)

5. 2CD copies